

**Remarks**

Applicant respectfully requests reconsideration of the rejection of the claims in view of the remarks set forth below. Claims 1-8 and 17-20 remain in the application. Claims 9-16 were previously canceled. Claims 1-8 and 17-19 were previously presented. Claim 20 remains unchanged.

**35 U.S.C. §102**

Claims 1-7 and 17-20 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Van de Kerkhof (US 5,995,493). For a reference to anticipate a claimed invention, each and every element of the claim must be found in the reference.

Claim 1 recites a “digital radio frequency (RF) circuit that creates a signal in a desired range in a frequency spectrum, comprising... circuitry that produces a first sample data modulated signal having a first frequency and a first sample data clock rate... an up-sampler modulator that receives the first sample data modulated signal and produces a second sample data modulated signal having a second frequency and a second sample data clock rate... and circuitry that receives the first sample data modulated signal and the second sample data modulated signal and delivers one of the first sample data modulated signal and the second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment.”

The “circuitry that receives the first sample data modulated signal and the second sample data modulated signal and delivers one of the first sample data modulated signal and the second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment” element of claim 1 is an important aspect of Applicant’s claimed invention. As discussed on page 6, lines 21-29 of Applicant’s application:

The use of two clock modes in accordance with the present invention may result in a number of advantages. One advantage is that power consumption savings may be obtained by using the lower clock rate circuitry without the need to replicate circuitry. Another advantage is that EMI emissions are different for the two modes of operation. This gives system designers

flexibility to choose whichever mode of operation is most compatible with a desired EMI profile. A third advantage is that dynamic range (analog resolution) of the inchannel IF signal for the low clock rate mode is the same as the dynamic range of the inchannel IF signal for the high clock rate mode, even though the signal levels are different.

In other words, the present invention permits a system designer to have flexibility in adjusting the characteristics (e.g., power consumption, EMI emission profile, etc.) of a digital RF circuit when the RF circuit contains the “circuitry that receives the first sample data modulated signal and the second sample data modulated signal *and delivers one of the first sample data modulated signal and the second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment*” (emphasis added) element of claim 1.

Van de Kerkhof appears to be directed towards providing an extension to the format of a transmission signal such that a digital signal is transmitted having both a lowpass filtered and downsampled component having a sampling frequency  $f_{s2}$  and a high frequency component having a sampling frequency  $f_{s1}$ . (Col. 1, lines 24-29; col. 4, lines 27-30, 40-42, and 62-67; and FIG. 1). Using the transmission signal of Van de Kerkhof, legacy receivers recover the digital signal by only retrieving and processing the lowpass filtered and downsampled component of the transmitted signal (FIG 3; col. 2, lines 20-25; col. 3, line 66 to col. 6, line 7) while Van de Kerkhof-based receivers recover the digital signal by retrieving and processing both the lowpass filtered and downsampled component and the high frequency component of the transmitted signal (Fig. 2; col. 5, lines 29-65). As a result, Van de Kerkhof appears to teach the transmitting or further processing of a signal having both a first signal component having a sampling frequency  $f_{s1}$  and a second downsampled signal component having sampling frequency  $f_{s2}$ . In contrast to Van de Kerkhof, claim 1 recites, inter alia, “circuitry that receives the first sample data modulated signal and the second sample data modulated signal *and delivers one of the first sample data modulated signal and the second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment*.” Since claim 1 contains at least

one element that is missing from Van de Kerkhof, Applicant respectfully proposes that the rejection for anticipation is overcome.

Dependent claims 2-7 being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that they contain. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 17 contains elements similar to independent claim 1 and should be allowable for the reasons discussed above. Therefore, it is respectfully proposed that the rejection for anticipation is overcome.

Dependent claims 18-20 being dependent on and further limiting independent claim 17, should be allowable for that reason, as well as for the additional recitations that they contain. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

**35 U.S.C. §103**

Claim 8 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Van de Kerkhof (US 5,995,493) in view of Keevill et al. (US 6,359,938). Under U.S.C. § 103, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP § 706.02(j)).

Dependent claim 8 being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that it contains. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above remarks. Therefore, it is respectfully proposed that the rejection of claim 8 under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

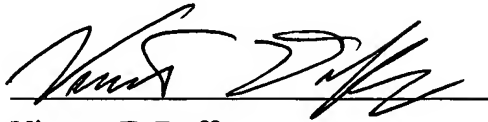
Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (818) 260-3727, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Ser. No. 10/572,695

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No fees, other than those discussed above, are believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,



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Patent Operations

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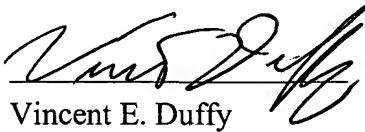
Princeton, New Jersey 08543-5312

April 3, 2008

#### CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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